

**Minutes of:** CALIFORNIA STATE ATHLETIC COMMISSION  
**Meeting Specifics:** Regular Commission Meeting  
March 26, 2003 – 9:00 a.m.  
Embassy Suites- LAX South  
1440 East Imperial Avenue  
El Segundo, CA 90245

**1. CALL TO ORDER BY CHAIRMAN**

Commissioners Present: Van Gordon Sauter, Chairman  
Sanford Michelman, Vice-Chairman  
Armando Vergara  
John Frierson  
Christopher Mears

Commissioner Absent: Al Ducheny

Staff Present: Rob Lynch, Executive Officer  
Earl Plowman, Deputy Attorney General  
Anita Scuri, DCA Legal Counsel  
Rebecca Alvarez, Staff Services Analyst  
Jessica Finch, Recording Secretary

(Due to time constraints the items were heard in the following order: (1-2-4-3-7-10.1-10.4-10.5-9-10.3-14-16-6-10.2-11-12-19-25-13-21-5))

**2. APPROVAL OF JANUARY 29, 2003 COMMISSION MEETING MINUTES**

**Action:** Motion by Commissioner Vergara and seconded by Commissioner Frierson to approve January 29, 2003 meeting minutes as submitted.

**Vote:** Unanimous.  
Abstain: Commissioner Mears.

**3. SUMMARY OF CHAIRMAN ACTIVITIES SINCE LAST MEETING**

Chairman Sauter stated that he had discussions with management from the Staples Center and discussed the Athletic Commission's role in terms of boxing and the management's ambition, some of which is centered on an 8,000-seat arena at Cal State Dominguez Hills. He further stated that management is interested in expanding their boxing activities and is researching avenues to do so.

**4. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE LAST MEETING**

Mr. Lynch informed the commission that on March 11, 2003 our budget went out on consent from the Assembly Budget Subcommittee No. 4. This Subcommittee is made up of Senators

Rudy Bermundez, Dave Coydill, George Nabano, Sarah Reyes and Rick Keene. He further added that Senate Subcommittee No. 4 should hear our budget some time in April. The members are Senators Dunn, Ackerman and Ducheny.

Mr. Lynch stated that since the last Commission meeting in January he has spent quite a few waking hours in the Central Valley, namely Lemoore and Fresno. With current staffing levels he is often called from the bullpen when there are more than one event on the same night. He added that the Chief Inspector is out on medical, the Assistant Chief is out on medical and one of the inspectors is out on maternity leave. Mr. Lynch informed the Commission that staff is deluged in April with events often with three on the same night. He stated that there will be three in one night, all televised in April. He further added that he expected Mr. Lohuis to return soon, Mr. Barajas to return April 16<sup>th</sup> and Ms. Chilimidos to return April 1<sup>st</sup>.

## **5. 2003 MEETING DATES AND LOCATIONS - ACTION**

Chairman Sauter suggested that the Commission meet May 15, 2003. Commissioner Mears suggested that he could perhaps arrange for the Commission to meet at the Irvine City Hall and that he would be in touch with staff regarding the venue use on that day. He explained that he is a councilman in Irvine.

## **6. PROFESSIONAL BOXERS' PENSION PLAN – INFORMATION / ACTION**

Vice-Chairman Michelman asked Mr. Kevin Long, the Commission's pension attorney, for an overview of the current pension plan. Mr. Long stated that in August of 2002 it was requested of him to report back to the Commission with a full report as to how the pension plan works and who is benefiting and who might benefit in the future. He stated that within the last 6 to 8 months in conjunction with Mr. Dean Lohuis each boxer was reviewed for the last five years.

He stated that the history of the pension plan prior to 1996 was that the boxers contributed along with the promoter with a benefit of \$2 per round for life. He explained that in 1996 the pension plan was rewritten to conform to a pension plan more mainstream in which each boxer has an account as in a profit sharing, 401-(k) plan or IRA. The new plan stated that only the promoters contributed via ticket assessment and the benefit would be the amount in the boxer's account. The current formula for the plan for annual contributions to the plan is such that when those assessments are collected they are allocated to the boxers in plan based upon how much they fight and based upon how much they have in their account. Half of the contribution is from rounds fought and the other half from purses. If a boxer does not fight enough rounds, the boxer will not vest and the account will be forfeited and will be reallocated among the other boxers.

He stated that in order to be entitled to a benefit the boxer must vest. In order to vest the boxer must:

- Have at least 10 scheduled rounds per calendar year during each of 4 calendar years without an intervening break in service.
- Have fought in at least 75 scheduled rounds without a break in service
- Break in service occurs when a participating boxer fails to fight at least 10 scheduled rounds in California during any 36 consecutive calendar months and prior to age 55.

He stated that distribution events are much lower than what is required in the private sector. He explained that distribution would occur if:

- Retirement at age 55
- Death – paid to beneficiary
- Vocational education benefit
  - Age 36
  - Retired from Boxing (no license)

Mr. Long informed the Commission that the annual administration is as follows:

- Calendar year accounting – offsets state fiscal year
- Record keeper under contract to administer Plan
- Annual Trust accounting
- Annual benefit statements for Boxers
- Annual report for Commission and Boxers
- Annual reports 1999-2001 recently reviewed and revised
- Investment advisor reports twice per year (3 year IFB contract)

He also informed the Commission that from 1996 forward the Plan is returning 9.5% annualized. In other words he stated, the Plan is in keeping with PERS and is doing very well.

Mr. Long continued with stating that when the plan was converted in 1995 it was estimated that there were 3500 boxers in Plan and about 350 boxers benefiting from the Plan. When the thorough evaluation was complete in 1996 it was found that 403 boxers who had satisfied the rounds requirements to be entitled to a benefit. He added that with review with Mr. Lohuis each boxer record was reviewed and it was discovered that approximately 1300-1400 boxers were in the Plan instead of 3500. In 2002 there were approximately 428 boxers that were actually getting a benefit in the Plan and are vested.

He stated that prior to 1994 the Plan was averaging about \$175,000 - \$180,000 a year in contributions. He stated that there was a very steep drop off in 1994 and the level of contributions went down. He explained that in 1996 the contribution level was \$43,954 and in 2002 it was \$74,046.

Mr. Long then referred to the funding history of the Plan. He informed the Commission that in the early years after the Plan was revised, the boxers were entitled to a refund for the amounts that they had contributed the Plan out of their own pockets. The Plan was able to refund almost all of the boxers with the exception of those that the Commission was unable to contact and those monies were reallocated to the other boxers in the Plan.

Commissioner Mears then asked why there were no distributions in 2001. Mr. Long explained that there had not been a boxer in the Plan that had reached the age of 55, passed away or requested a distribution for vocational education in 2001.

Mr. Long explained that the number of covered boxers that were fully vested and covered boxers with a break in service have remained constant. The number of pending boxers, which are boxers that are in the Plan but have not yet satisfied the round requirement, had peaked in 2000 and is now trending downward. He stated that his belief for this trend is due to many of the bouts being done on Indian reservations. As a result of this, he believes that the amount the current vested boxers are going to benefit by lack of new boxers being vested is a constant contribution being made.

He continued with explaining the average balance by category of boxer. He stated that in 1995 the average balance for a covered boxer was about \$3500 but by moving the funds the average in 1999 was about \$6299. He explained that from 1999 to 2002 a couple of issues have arisen: a) Pay-outs and b) Investment losses so the average balance now for a covered boxer is \$3744 and a covered boxer that is not likely to box again and is fully vested is about \$6063. He added that the average age of the covered boxers is 31 with the oldest being 45 and the youngest 23 and the average age of covered boxers not likely to fight again is 40 with the oldest 53 and the youngest 26. Mr. Long explained with this information a report could be generated representing the amount a boxer would be entitled to at what age if the Plan were to remain as is. Vice-Chairman Michelman suggested that a report be compiled. Chairman Sauter then asked if he had estimated what the average boxer would be getting. Mr. Long replied that if the average age is 40 and the payoff is at 55 and taking into consideration the pay-outs for vocational education and the mortality rate, and if the boxer currently has \$6000 in his account, it will grow at a rate of 9.5% on average then it should double in 9 years. In other words, the original \$6000 in 18 years would be \$24,000 if everything stays the same and there are no more contributions to the Plan.

Chairman Sauter stated that a report needed to be generated to present to the Indian Casinos to show what the boxers are missing out by not receiving contributions from the Reservations and the bouts not counting toward their future pensions.

Vice-Chairman Michelman stated that the boxers should be notified somehow that if they are fighting on Reservations that it may constitute a break in service and the boxer may be losing out on benefits.

Mr. Long stated that perhaps a report could be generated to show approximately what the boxers could be receiving at retirement and if this Plan should be kept as is or changed. Commissioner Mears then asked what kind of return do the boxers need to see to make this plan meaningful. Vice-Chairman Michelman stated that perhaps the boxers would rather receive more money the night of the fight rather than have a pension.

Chairman Sauter then asked if a poll had been done to ask the boxers what their views on the pension plan are. Mr. Long replied that such a poll had not been done. Chairman Sauter then asked Mr. Denkin what the average life span of a boxer as a fighter. Mr. Denkin stated about 6 to 7 years. Considering this, Chairman Sauter asked if this is the best use of this person's money. Commissioner Mears then stated that this issue has to do with the best welfare of the fighter. He added that he is in agreement with the question as to the best use of this money considering the small return and or benefit to boxer.

Chairman Sauter then asked Mr. Englebrecht of Golden Boy Promotions, his stand on this issue. Mr. Englebrecht stated that he had just been conferring with Mr. Don Chargin and they were discussing the pension contributions for fighters. He explained that most of the boxers need the money now. As an example, he stated that at the last event that he held a pension assessment was made of \$4000 in which there were 12 fighters. In his estimation, this means that if the pension assessment went directly to the fighters on the card, they would have received approximately \$300 more in their purses. Mr. Englebrecht stated that in his opinion it would be better served to have the assessment go directly to the fighters on that card the same evening. Commissioner Mears then asked if the Commission were to do away with the pension plan, do they have the legal authority to require the promoters to take the money and divide it to the fighters. Mr. Plowman stated that the Commission did not at this time.

Chairman Sauter then asked Mr. Denkin that if an average boxer were to fight for six years how many fights would he have in that time frame. Mr. Denkin stated an average of 30 fights. Chairman Sauter then stated the average boxer would receive an extra \$200 for 30 fights which would be \$6000 that the boxer would have now instead of later.

Commissioner Frierson stated that it is true that most boxers would want their money now, but it may be in their best interest to hold that money for retirement to protect the boxer's future. Commissioner Mears stated that although it is the Commission's responsibility to look to the future, a look must be made as to the best interest of the fighter with the revenue that is being currently made.

Commissioner Mears then asked Mr. Long if the Commission members are doing everything that they should be reasonably be doing to meet their fiduciary responsibility as of today. Mr. Long stated that indeed they were. Commissioner Mears then asked Mr. Long if the Commission is asking the type of questions and is Mr. Long undertaking the type of things to satisfy those as we can see them in the future. Mr. Long stated that yes the Commission was and yes he is.

Chairman Sauter then instructed Vice-Chairman Michelman to review this report and make a recommendation to the Commission regarding the pension plan. Ms. Scuri suggested that Vice-Chairman Michelman contact Mr. Robert Fellmuth from the Center for Public Interest Law as he had a strong interest in this.

#### 6.1 Contingency Plan

Ms. Scuri stated that the Athletic Commission's budget had been seriously cut due to the Commission being a General Fund agency. She stated that the possibility of the Athletic Commission ceasing before the end of the State fiscal year due to lack of funds may or may not be a real possibility.

Ms. Scuri stated that the Commissioners have a fiduciary responsibility under the statute for the maintenance and investment of the pension plan. If the Commission breaches its fiduciary responsibilities, members are individually liable for any damages that may result from that breach. Therefore, it is recommended that in order to fulfill its fiduciary responsibility, the Commission develop a contingency plan to address the administration of the pension plan in the event that the Commission ceases operations (even if on a

temporary basis) due to lack of funds. She explained that a contingency plan should include both short-term and long-term decisions about the pension plan. Her recommendations are set forth below:

1. The Commission should determine what circumstances would trigger a “freeze” of the pension plan – for example if the appropriation is so low that the Commission cannot meet its mandate to protect the health and safety of the boxer or if the Commission will be unable to operate for a designated period of time. This is a short-term decision.  
Note, however that even if there is a “freeze” of the pension plan, certain administrative functions must continue for the plan. In such a case, the Commission must make provisions to ensure these tasks are taken care of. To date, this has been done via outside contractors. There is no state agency willing or able to take over this function directly. Provisions must be made therefore for the continuity of these administrative services even during a freeze period. For example, service contracts should be secured that, at a minimum, protect and maintain the pension plan records and assets.
2. The Commission should also decide whether it should retain the pension plan or seek repeal of the law authorizing the pension plan. It would take a minimum of one year to obtain such legislation. The legislation would need to include a rule governing termination of the plan and accelerating and allocating forfeitures. This is a long-term decision. If the Commission decides to seek repeal of the law, or if it feels that this may become necessary in the future, it should direct its counsel to draft the necessary language, so that a sponsor could be sought for that legislation.
3. If the Commission can no longer continue to operate due to lack of funds, someone must assume its responsibilities with respect to administering the pension plan. The recommendation is that this responsibility be delegated to the director of the Department of Consumer Affairs, inasmuch as the director currently is authorized to possess the books and records of any agency within the department (Business and Professions Code Section 110). The director could then choose whether to administer it with departmental staff or to contract with an entity or person with expertise in pension administration.

Commissioner Mears asked Ms. Scuri what decision needed to be made today. Ms. Scuri stated that due to time constraints, at least a decision on item #3 should be made. Commissioner Mears then asked Ms. Scuri if the Department of Consumer Affairs had to accept this responsibility. Ms. Scuri replied that the Department is not obligated to accept but she sees no reason why it would not be accepted. She added that the Director already has the authority to possess the books and records of any agency.

Vice-Chairman Michelman stated that he would like to review all of this information and make a recommendation at the next meeting. He added that at a previous meeting authority had been delegated to him to conduct business on behalf of the Commission in regards to the pension plan. Ms. Scuri suggested that specific authority be delegated to the Pension Plan Review Committee in regards to a contingency plan.

**Action:** Motion by Commissioner Mears and seconded by Commissioner Vergara to delegate authority to the Pension Plan Review Committee to adopt a contingency plan.

**Vote:** Unanimous.

## **7. APPEAL OF LICENSE DENIAL - ACTION**

### **7.1 Daniel Garza – Professional Boxer**

Mr. Lynch stated that Daniel Garza was originally licensed by this Commission as an amateur martial arts fighter in 1998. In 1999 Commission staff learned that Mr. Garza had a repaired cerebral hemorrhage in 1995. Also in 1999, Mr. Garza had inquired about being licensed as a professional boxer/martial arts fighter. He was informed that he would not be licensed due to Commission Rule 281, which states that no boxer shall be licensed who has suffered a cerebral hemorrhage or any other serious head injury.

Mr. Lynch explained that Mr. Garza is again seeking to be licensed as a professional boxer based upon his examination by neurosurgeon Dr. Van Buren Lemons. It should be noted that Dr. Lemons is a member of the Commission's Medical Advisory Committee. Based upon Dr. Lemons' examination he states, "At this time I believe Mr. Garza can be licensed as a professional boxer".

He stated that staff recommends that Mr. Garza be denied a professional boxer or martial arts fighter license based upon Commission Rule 281 which does not provide a provision for skirting this requirement.

Commissioner Mears then asked if the Commission has any discretion to consider this appeal based on the law Mr. Lynch has referred to. Vice-Chairman Michelman stated that it was his understanding that the law did not provide any discretion. Mr. Plowman stated that it is true. Ms. Scuri stated that in order to have any discretion, that regulation would have to be changed. Chairman Sauter stated that it was his opinion and understanding that the Commission has no discretion as to whether or not the Commission could override the current law.

**Action:** Motion by Commissioner Mears and seconded by Vice-Chairman Michelman to deny appeal without prejudice should the applicant return with information that the Commission has discretion to change its ruling.

**Vote:** Unanimous.

Mr. Garza arrived late and requested to be heard. Mr. Lynch reviewed what had transpired earlier in the meeting to Mr. Garza and reviewed Rule 281 with Mr. Garza.

Mr. Garza stated that it is his belief that he was healed and that there is no medical reason to not allow him to box. He added that all the medical tests state that they do not see a problem with allowing Mr. Garza to fight. Dr. Wallace stated that although Dr. Lemons' opinion states that

there is no increased risk, the overwhelming opinion of ringside physicians in the neurological field is that no boxer who has had that type of injury should be allowed to fight. Dr. Wallace stated that it is the belief that a boxer would be at a higher risk for injury than a boxer who has not had this type of injury. Dr. Wallace further stated that the Association of Boxing Commissions and on the international level, do not allow someone with that type of injury to box. He further explained that even if the Commission agreed with Dr. Lemons, Rule 281 does not allow the Commission to allow Mr. Garza to fight.

Chairman Sauter then explained to Mr. Garza that the Commission has no current authority to go against Rule 281. Commissioner Mears also stated to Mr. Garza that legally the Commission could not allow Mr. Garza to fight.

**8. APPEAL OF FINE – ACTION**

**8.1 Sebastian Valdez – Professional Boxer**

Mr. Valdez did not personally appear and this item was not heard.

**9. BUSINESS AND PROFESSIONS CODE SECTION 18642.5 (DEMONSTRATION OF ABILITY) / COMMISSION RULE 283 (ABILITY TO PERFORM) – ACTION**

**9.1 Joey Barnum – Professional Boxer Applicant**

Mr. Lynch stated that Mr. Barnum is applying for a 2003 professional boxing license. He explained that Mr. Barnum is 81 years old and originally applied for a professional boxing license then phoned Mr. Lynch and stated that he wanted a sparring permit so that he could spar with professional boxers and then again changed his mind and requested a professional boxers license.

Mr. Lynch informed the Commission that Mr. Barnum originally went to a neurologist that stated he highly recommended that Mr. Barnum not take up boxing as an activity. Mr. Barnum then went to another neurologist whom stated that he could not find a reason why Mr. Barnum should not be licensed as a boxer in California. Mr. Lynch then explained that he asked Mr. Martin Denkin (former Commission, inspector and current referee) to evaluate Mr. Barnum in the gym.

Mr. Barnum stated that he could not see any reason as to why the Commission would deny his license. He stated that although he is 81 years old he is in better shape than many young fighters are today. He explained that he jogs 3 to 4 miles a day and goes to the gym. He added that he went to five different doctors and that they could not find anything wrong with him. He stated that he feels that he is being discriminated against due to his age. He stated that it is his belief that he is encouraging the younger generation to exercise and to take vitamins as he does. He further added that he wishes to do this for several reasons. He stated that many youth are drinking and smoking and he feels he will encourage them to live healthier and longer lives. He noted that he is aware of his ability and does not expect to fight boxers such as Oscar De La Hoya, rather he expects to fight opponents with a few fights with the same ability.

Dr. Wallace then asked Mr. Barnum why he had chosen five doctors to visit for evaluation. Mr. Barnum responded that he went to a heart doctor, lung doctor, and brain doctor, bone doctor and could not remember the others or their specialty. Mr. Lynch then asked Mr. Barnum as to why he had informed Mr. Lynch that he did not want to box professionally but wanted a sparring permit. Mr. Barnum replied that he did not believe that the Commission would grant him a professional boxing license but that the Commission might let him do exhibitions.

Mr. Lynch stated that he had been informed that Mr. Barnum was applying for his license as a media ploy in order for Mr. Barnum to be the oldest licensed boxer in the world and use the information for a book or other media medium. Mr. Barnum stated he did not hear Mr. Lynch and asked him to repeat his question. After repeating his question and then rephrasing the question and repeating it again, Mr. Barnum stated that he is indeed writing a book. Mr. Barnum stated that in his condition age did not matter. He added that he ran every day and squeezed a rubber ball daily.

Commissioner Frierson then noted that he himself is 72 years old and a former boxer and had an ear operation to improve his hearing. He then stated that his question is if Mr. Barnum could hear. Mr. Barnum stated that he does wear hearing aids but could hear. Commissioner Frierson then asked him if he were to be licensed, would that information be going into the book he is currently writing. Mr. Barnum stated that it would.

Mr. Plowman then asked Mr. Barnum if he wore dentures that had to be removed prior to his sparring session in which Mr. Denkin observed him. Mr. Barnum stated that he did not wear any type of dentures although he has had a “few teeth taken out”. Mr. Plowman then asked if he wore hearing aids in both ears. Mr. Barnum replied that he wears one hearing aid in one ear on the left side. Mr. Plowman then asked if he was able to hear without his hearing aid. Mr. Barnum replied that he could hear without the hearing aid. Mr. Plowman asked if he has had his hearing tested without his hearing aid. Mr. Barnum again did not hear Mr. Plowman, and asked if Mr. Plowman wanted him to take his hearing aid out. Mr. Plowman stated that he did not want Mr. Barnum to remove his hearing aid and ended his questioning.

Chairman Sauter then informed Mr. Barnum that the Commission’s main responsibility was to protect the welfare of fighter. He added that the Commission’s primary concern is that professional boxers have the capability to compete and emerge safely.

Mr. Plowman then asked the Commission if he could ask Mr. Denkin a few questions before Mr. Denkin stated his evaluation.

The questioning was as follows verbatim:

Mr. Plowman: Mr. Denkin, do you swear that you will tell the truth, the whole truth and nothing but the truth before the Commission?

Mr. Denkin: I do.

Mr. Plowman: Mr. Denkin, directing your attention to the third of March 3, 2003. Did Mr. Lynch the Executive Officer of the California State Athletic Commission ask you to undertake an evaluation of the applicant Mr. Joey Barnum in this matter.

Mr. Denkin: Yes he did.

Mr. Plowman: And what did that evaluation consist of?

Mr. Denkin: Mr. Lynch requested that since Mr. Barnum had passed all of the required exams, the only thing left was a sparring session, to put him in the ring under a controlled situation and have him box four rounds with a licensed professional. Under these controlled situations and have them actually box trying to see that no one gets hurt, but they do throw punches and absorb punches and there is quite a bit of action that goes on. From that observation I can see one's ability.

Mr. Plowman: For the record could you give a brief summary of your experience in boxing that would allow you to perform such an evaluation.

Mr. Denkin: I have been in boxing 52 years and have held numerous licenses. I am in World Boxing Hall of Fame, I have refereed for 32 years and have been the Assistant Executive Officer of the Commission and a Commissioner twice.

Mr. Plowman: I have previously qualified you as an expert witness on several occasions on questions related to boxing have I not?

Mr. Denkin: Yes, you have.

Mr. Plowman: You are familiar with the requirements of fitness and ability that are prerequisites to obtaining a license to box or spar in the State of California?

Mr. Denkin: Yes I am.

Mr. Plowman: Based on your observations of Mr. Barnum at the Doubletree at the sparring session, were you able to form an opinion as to his ability as to exercise the responsibilities of a licensed boxer or sparring person in the State of California?

Mr. Denkin: Yes I was. I contacted Mr. Lynch and stated that I was uncomfortable with putting Mr. Barnum through a four round sparring session but suggested a four round "workout" during which Mr. Barnum would be able to demonstrate his ability without being hit to take away the danger and punishment that I was concerned about. I contacted Mr. Lira (trainer) and Mr. Barnum and told them what I planned to do and upon observing that session I would be better fitted to give any kind of recommendation.

Mr. Plowman: And did Mr. Barnum and Mr. Lira agree to your proposal.

Mr. Denkin: Yes they did.

Mr. Plowman: Did you form an opinion as to Mr. Barnum's fitness to box in the State of California?

Mr. Denkin: Yes I did.

Mr. Plowman: And what is that opinion.

Mr. Denkin: That I would not issue Mr. Barnum a license to box in California with an opponent.

Mr. Plowman: And with reference to the laws and regulations of the Commission why sir?

Mr. Denkin: Because he did not show the ability that we require under the law.

Mr. Denkin stated that although Chairman Sauter waived reading of the memo by Mr. Denkin regarding the above mentioned sparring session “workout” he felt it was necessary to review his memo. Chairman Sauter then stated that the memo would be entered into the official record of the meeting and Mr. Barnum would receive a copy of the memo.

Mr. Denkin explained that he was astonished and amazed at Mr. Barnum’s condition, his perseverance and dedication. He explained that Mr. Barnum had six months to prepare for this workout, although according to his trainer he was not in the gym until the last two weeks and during that two weeks he was there consistently. He further explained that during the sparring session he had Mr. Barnum go four rounds, three minutes each with one-minute rest periods in between. Mr. Denkin stated that during this session except for a few punches that were “faked” toward his head or body, Mr. Barnum was not touched by his opponent. He stated that Mr. Barnum showed that he had some ability as far as movement in knowing what a boxer does. He noted that when it came to the coordination, the reflexes and other things that are looked at, Mr. Barnum displayed minimum skill. He further impressed on the Commission that imagining Mr. Barnum in a ring with an opponent that was actually throwing punches at him, terrified Mr. Denkin. Mr. Denkin did concede that Mr. Barnum is in good physical shape for his age.

Chairman Sauter then asked Mr. Denkin what his opinion would be in the following scenario: If Mr. Barnum was competing at an event where he was put in the ring with a professional fighter with only three or four prior bouts and theoretically was twenty years old, would, in Mr. Denkin’s opinion to the degree that he could generalize, would he consider Mr. Barnum vulnerable to physical damage. Mr. Denkin replied that it was his belief that Mr. Barnum would have the bout stopped or that Mr. Barnum would be knocked out. He further stated that Mr. Barnum would not only be unable to render a competitive fight, but it was his belief that Mr. Barnum would be seriously injured.

Mr. Denkin stated that due to his respect for Mr. Barnum and to be fair to Mr. Barnum and keep integrity to the Commission, he had spoken with Mr. Lira who is Mr. Barnum’s trainer. He added that Mr. Lira agreed that although Mr. Barnum is in good physical condition for his age, he was not at a level to compete in professional boxing without endangering himself.

Commissioner Mears asked Mr. Denkin if it was his belief that due to Mr. Barnum’s reflexes and coordination that he would be unable to defend himself adequately from fighting a much younger fighter. Mr. Denkin stated that yes he agreed although he would say not a much younger fighter – but any fighter.

Mr. Plowman then asked Mr. Denkin, "Setting aside the question of Mr. Barnum's age, based on your observations on his reflexes, would your answer be the same regardless of the age of the boxer?" Mr. Denkin stated that, "If I observed him for a professional license and seen what I saw, even if I did not see him boxing with anyone, I would tell him that he would need more training and more work.. And that is without anyone hitting him. He does show ability to throw punches, he has knowledge of the game, he knows how to move – but everything is at a minimum. And as the rounds went on his ability to throw punches was slower and I can just imagine someone standing there throwing punches at him, and that was my fear and love for this man".

Mr. Barnum stated that no one will ever know what he can do unless he is tried. He stated that it was discrimination of his age by Mr. Denkin. He suggested that the Commission allow him to fight and take away his license if he is unable to compete. He added that he will keep on trying until the Commission allows him to fight.

Dr. Wallace stated that according the record submitted Mr. Barnum has seen five doctors and one report submitted read that Mr. Barnum had a resting tremor and a postural tremor and that the doctor had stated that there is an increased chance of collection of subdurals or acute epidurals during this age. He stated that the report stated that there is considerable shrinkage of the brain and the fact that a single blow may be fatal. Dr. Wallace explained that this statement from the doctor is in direct conflict to what Mr. Barnum presented when he stated that the doctors said he was "ok". Dr. Wallace stated that the other neurologist stated that the risk of significant brain injury to boxers irrespective of their age is high in regards to boxing and that it is greater for anyone of his age or general condition. Dr. Wallace concluded that the reports that Mr. Barnum attained on his own both recommend that he not take up boxing and that he is at increased risk of injury.

**Action:** Motion by Commissioner Frierson and seconded by Commissioner Vergara to deny Mr. Barnum a professional boxing license..  
**Vote:** Unanimous.

Below is the memo sent by Mr. Denkin to Mr. Lynch on March 25, 2003:

\*\*\*\*\*

### **MEMO**

On March 3, 2003 I was contacted by Mr. Lynch with the request that I "set up" a sparring session for the applicant Joey Barnum, in order to issue him a professional boxing license. The State of California Athletic Commission Rules and Regulations states that any individuals who have not had any professional or amateur boxing experience as well as any persons over the age of 35 are required to show their ability in a four round sparring

session under the supervision of a State of Athletic representative. Mr. Barnum who is 81 years old is a former proven professional boxer that has not performed in his profession in over 50 years. This would place him in the category of “boxers over 35 years of age”, who have not performed recently, and require a sparring session screening.

Due to the special circumstances of Mr. Barnum’s age, and even though he was cleared medically fit to box by a medical doctor it didn’t address the conditions that Mr. Barnum would be exposed to in a four round sparring session with a boxer approximately 50 to 60 years younger than him. After evaluating this request and instructions put forth by Mr. Lynch, and considering the possible danger and/or serious injury that could occur I offered a compromise to Mr. Lynch. The compromise was to have Mr. Barnum participate in a four round workout with his trainer using sparring mitts, and Mr. Barnum boxing four rounds without being hit. This would allow me to make a recommendation on his condition, reflexes, and coordination for the proposed required four round boxing session. Mr. Lynch and I both agreed in the interest of safety to this procedure. I spoke and advised Mr. Barnum and his trainer Mr. Ben Lira of the interest of safety to this procedure. I spoke and advised Mr. Barnum and his trainer Mr. Ben Lira of the above procedures, and it was agreed upon by all parties. Mr. Barnum was given two weeks to prepare for the scheduled sparring “workout” which would take place March 15, 2003 at 11:00 a.m. at Mr. Lira’s gym in South El Monte.

Prior to the screening I had an interview with Mr. Barnum as to why he wanted a professional boxing license. He stated to me that his reasons were not to compete as a professional boxer, but to hold exhibitions and advertise himself as the “Oldest Person to Receive or Obtain a Professional Boxing License”. He further stated that it would assist him with future endorsements with vitamin companies as well as his proposed movie production.

### **BACKGROUND**

1. Mr. Barnum is white male 81 years of age with a date of birth of 10/6/21. He weighs at this time approximately 150 pounds.
2. During his boxing career he fought approximately 100 amateur fights in addition to 40 professional bouts. He fought for a period of approximately 20 years. He has not fought since 1947, 52 years ago.

3. He has been training on and off for the past 6 months sparingly, but has been training continuously for the past 2 weeks prior to this workout session.
4. His trainer is Ben Lira, an outstanding trainer, teacher, and conditioner. Mr. Lira has been working at this profession for 30 years. He has at time represented the State of California and the United States as a coach for numerous amateur programs and is greatly respected. Mr. Lira assured me that Mr. Barnum during his training program has not done any boxing because of the lack of the sparring permit.

### **WORKOUT**

I must state how impressed I was at Mr. Barnum's condition, and effort put forth in this work out. In addition I believe many will be motivated by his inspiration for his love of boxing, but that was observing an 81 year old man working out.

My professional experience and expertise observed Mr. Barnum's reflexes, coordination and movement to be minimal at least, which if put into a ring for a sparring session it is my opinion that he could be seriously injured.

Mr. Barnum is a respected friend of mine, a Hall of Fame Comrade and is well liked and cared for by everyone he has come in contacted with, but to allow that to sway my judgement and integrity would be inconsiderable towards Mr. Barnum as well as the responsibility given to me by Mr. Lynch and the State Athletic Commission.

To ensure fairness during this workout session I discussed the events that had occurred with Mr. Ben Lira, Mr. Barnum's trainer, and he also concurred with my assessment that Mr. Barnum could be seriously hurt if put into an actual sparring session.

On March 17, 2003 at the Ken Thompson Boxing Show held in Ontario, California, Mr. Barnum was allowed to show off his ability in a one round workout. When it was completed I requested State Athletic Commission boxing physician Mr. Pearlman Hicks to evaluate my assessment by what he himself observed. He concurred with my findings and opinion.

### **CONCLUSION**

Weighing all of the evidence state above I hereby recommend that the California State Athletic Commission deny Mr. Barnum the issuance of a sparring permit or professional boxing license of any kind.

\*\*\*\*\*

**10. LICENSING APPROVALS – NEW APPLICATIONS – SPECIAL CONSIDERATIONS - ACTION**

**10.1 Jaime Aquino – dba Rose Jewel Promotions – Professional Boxing Promoter - Original**

Mr. Lynch informed the Commission that Ms. Aquino is applying for an original 2003 professional boxing promoter license. Rose Jewel Promotions met all of the licensing requirements and was issued a temporary promoter license on January 21, 2003. Ms. Aquino promoted her first event on January 24, 2003 at the Ventura Fairgrounds. The event was a success and staff experienced no problems. He added that staff recommends that Rose Jewel Promotions be granted a 2003 professional boxing promoter license.

**Action:** Motion by Commissioner Mears and seconded by Commissioner Vergara to approve Rose Jewel Promotions for a professional boxing promoter license.

**Vote:** Unanimous.

**10.2 Terry Claybon – dba LB 4 LB Boxing – Professional Boxing Promoter – Original**

Mr. Lynch stated that Mr. Claybon is applying for an original 2003 professional boxing promoter license. LB 4 LB Boxing met all of the licensing requirements and was issued a temporary promoter license on January 16, 2003. Mr. Claybon promoted his first event January 18, 2003 at the Hollywood Women's Club. The bouts were competitive however, the event was probably not a financial success. Mr. Lynch explained that LB 4 LB Boxing will be looking for another venue for future promotions. Staff experienced no problems with the first promotion and recommends that LB 4 LB Boxing be granted a 2003 professional boxing promoter license.

Commissioner Frierson stated that he had attended Mr. Claybon's second show at Henry Fonda Theatre and was impressed with the bouts and the attendance.

Ms. Scuri stated that #9 on his application needed to be answered and that the financial statement needed to be more thorough.

**Action:** Motion by Commissioner Frierson and seconded by Vice-Chairman Michelman to approve LB 4 LB Boxing for a professional boxing promoter license contingent upon the application being amended and submission of a more thorough financial statement.

**Vote:** Unanimous.

**10.3 General Clark – dba Biz Productions – Professional Boxing Promoter – Original**

Mr. Lynch stated that Don Clark and Justin McCray were in attendance representing Mr. Clark. He explained that Mr. Clark first applied for an original professional boxing promoter license in 2002. Biz Productions met all of the licensing requirements and was issued a temporary promoter license on November 25, 2002 and reapplied for an original promoter license in 2003. Mr. Clark held his first promotion on January 30, 2003 at the Oakland Coliseum. The bouts were well matched and the event appears to have been a financial success. Staff experienced no problems with the first event. David Pereda will act as the matchmaker. He stated that staff recommends that Biz Productions be granted a 2003 professional boxing promoter license.

Ms. Scuri stated that the name of the applicant needed to reflect the corporation and not the individual and that the financial statement needed to be amended to be that of the corporation as well.

**Action:** Motion by Commissioner Mears and seconded by Vice-Chairman Michelman to approve Biz Productions for a professional boxing promoter license contingent upon amendments to the application and submission of the appropriate financial statement.

**Vote:** Unanimous.

#### 10.4 Bjorn Rebney – dba Sugar Ray Leonard Boxing – Professional Boxing Promoter – Original

Mr. Lynch informed the Commission that Mr. Rebney has applied for an original professional boxing promoter license in 2001, 2002 and 2003. The reason for all of the original applications is because Mr. Rebney has not appeared before the Commission although he has been on a prior agenda. Sugar Ray Leonard Boxing held one event on December 1, 2001 in Indio, one event in April of 2002 in Los Angeles and a third event on March 8, 2003 at the Marconi Arts Museum. All of the events have been successful and have featured quality boxing matches. Mr. Leonard will act as the matchmaker. Mr. Lynch concluded with stating that staff recommends that Sugar Ray Leonard Boxing be granted a 2003 professional boxing promoter license.

Ms. Scuri stated that the application needed to reflect that the name of the applicant needed to be that of the limited liability company, Sugar Ray Leonard Boxing and not Mr. Rebney.

Commissioner Frierson then asked why Mr. Rebney did not appear before the Commission. Mr. Jerry Roth, speaking on behalf of Mr. Rebney stated that Mr. Rebney was under the impression that he had fulfilled his obligation to the Commission. Vice-Chairman Michelman asked what type of license Sugar Ray Leonard Boxing held in 2001 and 2002 to which Mr. Lynch replied that they were both temporary licenses.

Mr. Roy Englebrecht of Golden Boy Promotions then asked the Commission if he understood the scenario correctly as to if a professional boxing promoter applicant could conduct an event without appearing before the Commission. Mr. Lynch responded that if the applicant was within the temporary license frame (before it expired) the promotion

could conduct a show without appearing as long as the temporary license was valid. He further explained that once the temporary license expired, the applicant would have to appear before the Commission prior to another event taking place.

**Action:** Motion by Commissioner Mears and seconded by Commissioner Frierson to grant Sugar Ray Leonard Boxing a 2003 professional boxing license contingent upon amending the applicant name.

**Vote:** Unanimous.

10.5 Kimberly Puthuff – dba Tuesday Night Fights – Amateur Boxing Promoter - Original

Mr. Lynch informed the Commission the Ms. Puthuff is applying for a 2003 original amateur boxing promoter license. Tuesday Night Fights met all of the licensing requirements and was issued a temporary amateur promoter license. The events promoted by Ms. Puthuff are amateur “toughman” contests. To date she has promoted five events at the Fat Cat Lounge in Modesto. All of the events have been successful and staff has not experienced any major problems nor have there been any major injuries to the participants.

He further explained that attached in the agenda packet the Commissions will find a letter opposing the licensure of Ms. Puthuff. Mr. Lynch stated that he has personally attended one of these events and Ms. Puthuff complied with each and every request that was made. He further noted that the letter of opposition was from a potential promoter who now holds a temporary license as a professional promoter.

Mr. Lynch further explained that he does have one concern and that has no bearing on Ms. Puthuff’s promotion. He stated that his concern is the venue where these events and others take place is a bar. He noted that he can foresee potential problems when you mix potent levels of testosterone and alcohol. He added that he had spoken with Ms. Puthuff prior to the meeting and that it is her intention to move the events to the Convention Center.

He stated that staff recommends that Ms. Puthuff be granted a 2003 amateur boxing promoter license.

Ms. Puthuff stated that it is important to her that there is a sense of security present, she added that at the event the prior evening that the ration was one security personnel to every 13 guests. She stated at the highest the ratio was one security personnel to every 27 guests and that she feels this is higher than most events held. She further informed the Commission that through her series of events, only one event had an internal fight within the bar and that took place the night prior. Mr. Lynch stated that at Ms. Puthuff’s events there are waitress moving about the crowd dispensing drinks but at venues where the patrons must stand in line for a beer, the crowd is much tamer. Ms. Puthuff stated that she has changed staffing so that the waitress only dispense drinks to patrons on the stage and not throughout the crowd because she felt it was a safety issue.

Commissioner Mears then asked if after the next two events, would the venue be changing. Ms. Puthuff stated that it would.

Chairman Sauter then asked if other events such as these are being held in bars. Mr. Lynch replied that another amateur boxing event was held the night prior in San Diego at a bar also. Commissioner Vergara then asked if these were amateur or professional events being held at a bar. Mr. Lynch responded that they were amateur.

Vice-Chairman Michelman then asked what type of rules are being used. Mr. Lynch stated that they are using amateur boxing rules of the Commission.

Dr. Paul Wallace then stated that he has a concern as to the quality of the participants or verification of training of the participants. He stated that he had serious concern as to the medical personnel available at these events.

Mr. Plowman directed the Commission to Ms. Puthuff's financial statement and as to whether or not it meets the criteria for approval by the Commission. Mr. Lynch instructed Ms. Puthuff to submit a more thorough financial statement to the Commission.

**Action:** Motion by Commissioner Mears and seconded by Vice-Chairman Michelman to approve Tuesday Night Fights for an amateur boxing promoter license contingent upon submission of an amended financial statement.

**Vote:** Unanimous.

## **11. INFORMATION REQUEST – GREGORY “KAZJA” PATSCHULL**

Mr. Lynch stated that Mr. Patschull requested that he be placed on the agenda.

Mr. Patschull stated that he had previously asked Mr. Lynch questions to which Mr. Lynch responded in writing. He added that he will be distributing notebooks that include the questions he originally asked Mr. Lynch, Mr. Lynch's response and a response by Mr. Patschull to those answers. He stated that he still would like answers from the other six Commissioners. Mr. Patschull stated that he will be following up with phone calls regarding issues that are mentioned in the notebook such as:

- How can anyone give you the evidence on what is going on with this corruption in this State and that Mr. Plowman says that only God oversees the Athletic Commission?

Mr. Patschull stated that he is submitting evidence and that he has file cabinets full of evidence that no one wants to see about the corruption that is going on. He stated that if the Commissioners do not schedule a time to see all of this evidence then it must mean that they are aware of the corruption going on. He added that it is the Athletic Commission's job to oversee what is going on and not God's as Earl Plowman keeps telling him.

Mr. Patschull explained that also in the notebook is evidence that he applied for a mixed martial arts application in 2000 and has the receipts. He stated that he was told that the Commission was going to tell everyone that he was doing predetermined fights, and he feels that this would ruin him as a promoter. He stated that he paid all of the fees required, got fingerprints and everything that is required of a promoter. He added that he had the bond money in hand and that the media was there when he was up for approval for mixed martial arts. He explained that he refused to give the Commission money because he could not trust Rob Lynch. He asked the Commissioners to read the notebook. He further explained that after the meeting he was going to the District Attorneys office to give them the same notebook.

Mr. Patschull handed a notebook to Commissioner Frierson and asked that he forward the notebook to Herb Wesson and the Assembly for their answers. He handed a copy to staff for Commissioner Ducheny, a copy directly to Chairman Sauter, Commissioner Vergara, Vice-Chairman Michelman, and staff.

Mr. Patschull stated that all of the information regarding the corruption of the Athletic Commission is in this notebook. He stated that mixed martial arts promoters are required to do fake fights to get a license. He further explained that at these events the promoters were paying Rob Lynch to do the events and was doing some fake and some real fights. He added that if the promoter was doing real fights, that they would pay off the inspector to change it for Rob Lynch. He stated that all of this was on the internet.

Mr. Patschull stated that he reviewed the Rules and Regulations book and that on the cover of the book there is no mention of wrestling, yet the State taxes wrestling 5% on exhibition. He stated that exhibition boxing is not taxed – like Celebrity Boxing – he stated that Rob Lynch said it was a fake fight and they don't tax it because it was viewed as entertainment. He added that the State does not tax martial arts exhibitions that are similar to wrestling because they do not have any jurisdiction. He added that the Commission is using a rule to tax wrestling that has been repealed and is not effective. He further stated that closed circuit telecasts are supposed to be taxed and are not, also boxing gyms are suppose to be taxed and are not. He stated that the State did not receive any money last year from closed circuit telecasts and boxing gyms yet wrestling brought in \$300,000. He stated that the Commission could not tax what it does not regulate. He stated that if that was true, the Commission could go to a ballet event or a soccer tournament and take money from them.

He stated what really "ticked him off" was that at he could not get the recorded minutes of the December meeting because he would not do fake fights or pay illegal extortion money. He explained that his events are amateur events where the Commission has no jurisdiction and does not want the ever corrupt, out of control Commission. He further stated that the Commission wanted to get the ABC (Alcohol Beverage Control) to shut him down. He stated that Chairman Sauter and Commissioner Denkin discussed this issue at the December meeting. He explained that this is something that goes on in a third world country and should never go on here, yet this Commission goes on daily. He stated that the corruption keeps piling up daily without the Senate or Governor to step in and clean up the Commission or it should be the FBI.

He further stated that he paid for his license, his fingerprints and has the receipts. He added that he does not need a license for his tournaments according to Dean Lohuis because the Commission has no jurisdiction.

He stated that it is easy to predetermine a fight just by knowing the fighters and to have events where he has to say who is the winner would ruin his sport and his reputation. He stated that he went to a fight in Fantasy Springs and the ticket said Barrera vs. Najera but after his investigation he believed it was a fake fight. He added that he had spoken to Rob Lynch and Earl Plowman about this and that he was told that it was an exhibition. Mr. Patschull stated that the network never stated that it was a fake fight.

Mr. Patschull stated there had been an injunction placed on him in the past and that according to Earl Plowman the Commission has no fine authority or site fee fines or jurisdiction to put an injunction on anyone. He stated that an injunction was placed on him for doing a submission only tournament where no strikes are allowed at all.

Mr. Ryan Chenowith, a partner of Mr. Patschull, stated that he was on the Mixed Martial Arts Advisory Committee. He stated that he was a part of the rule making for the Commission that did pass but had no funding. He stated that he stopped promoting to help in the rule making and found out that Mr. Patschull was continuing to promote in his area, being his direct competition. Mr. Chenowith stated that he had spoken to Mr. Lynch regarding this and Mr. Lynch told him that it was going to stop and when the MMA did pass that Mr. Patschull would not be receiving a license. He continued by stating that he then joined Mr. Patschull in that he would use his knowledge of the Commission and Mr. Patschull's knowledge of fighting the Commission together. He stated that there was an occasion where he was listening in on a conversation between Mr. Lynch and Mr. Patschull that he stated that Mr. Lynch told Mr. Patschull that he would be getting a license.

Mr. Chenowith stated that he just wanted the public to know that they are now going to the District Attorneys Office and the Federal Bureau of Investigation because they do not want the Athletic Commission to oversee Mixed Martial Arts.

He then stated that he spoke to a staff member named Frank and informed him that he had joined with another MMA promoter and they would be doing a co-promotion of half boxing, half mixed martial arts at the Grand Olympic Auditorium. He added that since the MMA had to be fake he wanted to do fake boxing, is that okay. He explained that Frank told him he could not do that. He replied that he had put his heart and soul into mixed martial arts and had to do fake fights. Mr. Chenowith then said that Frank told him that he would have to talk with Mr. Lynch and call him back. He stated that he did not receive a call, so he called the Commission and again spoke with Frank and stated that Frank told him that Mr. Lynch said it was okay and go ahead and do fake boxing and fake mixed martial arts.

Chairman Sauter then thanked both gentlemen for their time and stated that the information would taken under consideration.

## **12. REGULATION HEARING – RULE 354 - WARNING – ACTION**

Mr. Lynch stated that at the August 29, 2002 Commission meeting a unanimous vote was made to amend Commission Rule 354. The original Rule reads as follows:

Ten seconds before the beginning and ending of each round the timekeeper shall give warning to the seconds of the contestants by suitable signal.

No second shall be in contact with the ring apron prior to the sounding of the bell ending the round.

The amendment now requires the timekeeper to give a five-second signal before the ending of a round. The ten-second warning before the beginning of a round remained intact. The amended Rule 354 reads as follows:

Ten seconds before the beginning ~~and ending~~ of each round and five seconds before the ending of each round, the timekeeper shall give warning to the seconds of the contestants and to the referee by suitable signal. No second shall be in contact with the ring apron prior to the sounding of the bell ending the round.

This portion of the agenda is to allow the public to submit oral or written comments regarding the proposed amendment. This comment period is in addition to the previous 45-day comment period, which provided for the acceptance of written comments. To date no comments have been recieved. Written comments were received by Ms. Debbie Garcia, a timekeeper, but she was not in attendance at the time this matter was heard.

Ms. Scuri stated that once the comment period is closed, staff will proceed with the regulatory process.

Mr. Lynch informed the Commission that this was done because when there are 10 seconds left in the round it would give the referee time to interfere in the bout when it only takes about 2 seconds to get to the fighters and break them. He further explained that the ten seconds gave experienced fighters the chance to get in a “final last shot”.

Mr. Denkin stated that he was in favor of the change. Commissioner Frierson stated that also was in favor of the change based on his experience in the ring and as an observer at bouts.

**Action:** Motion by Commissioner Mears and seconded by Commissioner Vergara to adopt the regulation as submitted.

**Vote:** Unanimous.

## **13. MARTIAL ARTS / MIXED MARTIAL ARTS – PROPOSED DRAFT** **REGULATION - ACTION**

Ms. Scuri informed the Commission that the draft regulations are generic rules that will apply to all martial arts events based upon the numerous discussions by various mixed martial arts bodies requesting that their particular rules be approved. The Commission's Martial Arts Advisory Committee has reviewed this draft. Ms. Scuri requested that the Commission reach a policy decision regarding palm heel strikes (Rule 522 (a) (7) ) and knees and elbows in kickboxing (Rule 522 (b) (9) & (10) ). As the proposed draft is written, palm heel strikes are fouls in both kickboxing and martial arts while use of knee and elbows are fouls only in kickboxing. She explained that if the Commission agrees to adopt these regulations as written or amended, staff will set the regulations for public hearing.

Commissioner Mears then asked if these regulations were adopted and put into use, how these regulations would financially impact the Commission. Mr. Lynch stated that the initial research indicates that about \$850,000 annually could be gained from mixed martial arts. He explained that the Commission initially requested \$500,000 to implement a new program for mixed martial arts but was denied by the Administration. Ms. Scuri stated that the hope is that by doing it in this fashion, it would not be new program but a modification of the current program that is already in place. She explained that this was a better idea than asking for a new program.

Dr. Hamilton stated that regarding Rule 522 (a) (7) as it stands the California rule to prohibit palm heel strikes is not what is being used everywhere else. Regarding Ms. Scuri's comment that perhaps there is a medical consideration in that matter, he stated that he disagrees with it being prohibited. He further stated that there is a misconception in the general public that if a palm heel strike is done to the face (nose) that the bone will be forced into the brain. He explained that this is completely untrue. Dr. Wallace agreed with Dr. Hamilton that there is no increased risk to the participant between a palm heel strike to the face and a gloved punch from a boxer to the face. Ms. Scuri then asked if Dr. Hamilton was requesting that palm heel strikes to the front of the face (using the heel of the palm of the hand to deliver a blow to the face) not be prohibited in mixed martial arts, but remain a foul in kickboxing. Commissioner Mears then asked why is that strike important in mixed martial arts. Dr. Hamilton replied that he would like to see California in line with the practices that are commonly practiced in the world of mixed martial arts. Chairman Sauter then asked how close does the Commission come to the universally used rules. Dr. Hamilton replied that California comes very close, in MMA the palm heel strikes is different and in kickboxing the pulling of an opponents head down to knees and use of elbows is allowed everywhere except California. Dr. Hamilton stated that Nevada began with no elbows, then to padded elbows then when MMA became excepted, the elbows were allowed in kickboxing as well (full Muay Thai rules). Dr. Wallace stated that he could see no medical reason (or increased risk) to not allow the palm heel strikes in MMA and to allow the pulling of the opponents head down to the knees and use of elbows.

Commissioner Mears then asked if all MMA bouts are conducted in cages. Mr. Plowman stated that some but not all take place in a cage. He stated that this is mostly done for entertainment purposes. Mr. Kirk Hendricks, from UFC, explained that it was originally done because the contestants are wrestling and unless the seating for the spectators is elevated, they cannot view the bout well. He further explained that the decision was then made to raise the height of the ring and then the concern for the contestant rolling off of the mat and injuring them or anyone else. He stated that some people add an additional rope at the bottom, extend the apron or as in

his promotion, use a coated cyclone fencing “cage” and that was done for health and safety. He noted that although the cage makes for difficult filming for the cameras (all of his events are on PayPerView) it was done with the safety of the participants in mind and that there are two doors for the physicians to enter the ring and there is no top on the fencing (which is used in WWE). Mr. Hendricks continued with explaining that there is a doctor at each entrance and that there are two ambulances on stand by at all times not just the one required by the Commission. Commissioner Mears stated that due to an image misconception that perhaps the word “cage” not be used any further in regulation or by the Commission and strictly use ‘mixed martial arts’.

**Action:** Motion by Commissioner Mears and seconded by Commissioner Vergara to set for hearing proposed regulations with the amendment to make palm heels strikes to the front of the face (using the heel of the palm of the hand to deliver a blow to the face) a foul only in kickboxing [Rule 522 (a) (7)] and to delete 522 (b) (9) & (10).

**Vote:** Unanimous.

#### **14. MEDIA RESPONSE PLAN – INFORMATION / ACTION**

Mr. Lynch stated that at the last Commission meeting Chairman Sauter requested that this item be placed on the agenda to form a timely response plan when responding to the media. He explained that this issue was brought about after an event in Temecula in which HBO had made disparaging remarks regarding the Commission. Mr. Lynch stated that Chairman Sauter requested that a policy be established regarding the time frame in which a response would be made. Mr. Lynch stated the Commission responded about a week after the remarks were made and that HBO responded with a full apology in about two and a half weeks.

Chairman Sauter then mentioned the event in San Jose in which the decision was changed. He explained that the boxing public needed to be informed that a change had been made. He further added that it was his belief that the Commissions professionals needed a policy of response in order that the media and public don’t believe that California will be taken advantage of. He impressed on the Commission that more than a policy, the Commission needed an attitude in which California will not be wrongly treated.

Mr. Lynch stated that during the February 17<sup>th</sup> bout in San Jose it was a night when there were three events in one weekend. He stated that he was working a televised fight in Fresno and that Ms. Rebecca Alvarez was working the fight in San Jose. Mr. Lynch explained that during this bout, as the referee was breaking the fighters, Mr. Silverio Ortiz swung around and knocked Mr. Jorge Paez out. The referee then counted Paez out, although somewhat hesitantly, and it resulted in a knockout. Mr. Lynch explained that after he had reviewed videotape of the bout, he reversed the decision. He stated that the correct call should have been that the bout was stopped due to an unintentional foul which would have meant that since it was after the fourth round, the scorecards would be used to ascertain the winner. A correction was made and an announcement was placed on the Internet declaring Mr. Paez the winner although Mr. Paez would still be suspended for 45 days for his knockout. Mr. Paez was scheduled to fight on the 43<sup>rd</sup> day of his

suspension in Nevada, but failed his neurological examination according to Mr. Arum of Top Rank. Mr. Lynch stated that this issue would be placed on the next Officials/Inspectors Clinic agenda.

Chairman Sauter then stated that in this situation there were a number of people present who did not know what the correct response was. Chairman Sauter then asked how did that happen.

Mr. Lynch stated that he was not present, Ms. Alvarez was the supervising inspector at ringside. He explained that the referee evidentially, did not see the punch. He stated that if the referee had seen the punch, this particular referee would have known to call it an unintentional foul. Mr. Lynch stated that it was his belief that staff could not overturn a referee's decision. Mr. Plowman stated staff could not overrule a referee per Rule 368. Chairman Sauter then asked if the referee could change his own decision after consulting with other officials. Commissioner Mears asked if something similar to the "instant replay" could be used. Mr. Plowman stated per Rule 368 the decision is final and can only be overturned by the Commission. Mr. Pat Russell, a referee, stated that Rule 339 (a) pertaining to unintentional foul would apply and the referee, if he did not see the unintentional foul, can and should consult the judges to see if they saw the unintentional foul. He explained that if that mechanic had followed, there would have been no confusion.

Ms. Alvarez stated that after the referee had counted out Mr. Paez, she asked the referee if he had given a verbal command to break or stop. She stated that the referee replied that he did not remember. She then explained that it was her understanding that the referee could consult the judges regarding the unintentional foul if the referee did not see the foul. She then called Mr. Jon Schorle to consult with the referee but the referee did not wish to consult the other judges. She also stated that it was her understanding that the supervising inspector could not overturn a referee's ruling, and since the referee did count the boxer out, the decision was a knockout. Chairman Sauter then asked if the judges volunteered any information to the referee. Ms. Alvarez stated that the judges did not volunteer information and in fact stated that it was his (the referee) call because he was the one in the ring. Ms. Alvarez did attempt to have the judges consulted but to no avail. Commissioner Mears stated that it was his understanding that the error was human in that the referee did not consult the other judges therefore the supervising inspector could only follow what the referee stated the decision was. Mr. Martin Denkin stated that Commission Mears' understanding was correct. He further explained that no one could overturn the decision in that situation other than the Commission.

Ms. Alvarez added that Mr. Paez was also fined \$2,500 for abuse of officials due to his remark on Spanish television that everyone (the Commission) "...could go f\*\*\* their mothers..." She stated that she spoke to the Telemundo commentator to respond to that comment but they refused.

Commissioner Mears referring back to the original discussion stated that in a response to the media, the objective would be to get the same publication as the slander or disparaging remark. He suggested that in the future perhaps a policy could be adopted that any response to the media come from the Chairman and that the response, retraction or apology be put out in precisely the

same manner this misinformation was distributed in the first place. Chairman Sauter agreed with Commissioner Mears.

**15. LENGTH OF SUSPENSIONS – CALIFORNIA vs. OTHER STATES –  
INFORMATION / ACTION**

This item was not heard.

**16. FEBRUARY 17, 2003 SAN JOSE EVENT – PAEZ vs. ORTIZ – INFORMATION /  
ACTION**

This item was heard in conjunction with item 14.

**17. PROMOTER EVENT CHECKLIST – INFORMATION / ACTION**

This item was not heard.

**18. CALCULATION OF ACTUAL EVENT REVENUES – INFORMATION /  
ACTION**

This item was not heard.

**19. LEGISLATION UPDATE – INFORMATION / ACTION**

Mr. Lynch informed the Commission that three bills had recently surfaced which will impact the Commission and will be heard April 8, 2003. The are as follows:

**19.1 AB1458 Boxing Contests – To add Section 18640.5 to Business and Professions Code**

**AB1458**

Assembly Member Reyes introduced this bill with Assembly Member Strickland and Senator Cedillo as co-authors. This bill would require the Commission to attempt to attract major boxing events to California. The bill as written does not state how the Commission should go about attracting major bouts. The Commission could face a possible conflict of interest if this bill is passed as written. Should a regulatory body be charged with enticing those it regulates?

Mr. Lynch stated that the staff recommendation at this time would be neutral as written.

Vice-Chairman Michelman then asked if AB1458 was a “spot bill” to which Mr. Plowman stated that it appeared to be. Ms. Scuri explained that how the mandate would carry out would be unknown until later. Vice-Chairman Michelman agreed with staff in that a conflict of interest is an issue to be addressed. Commissioner Frierson stated that a

neutral position should be taken until more information can be ascertained. Mr. Plowman suggested that the position be to watch the bill.

**Action:** Motion by Chairman Sauter and seconded by Commissioner Mears to take the position of “watch” for AB1458.

**Vote:** Unanimous.

### 19.2 AB1494 California Amateur and Professional Sports Commission Act

#### AB1494

Assembly Member Firebaugh introduced this bill. This bill also deals with attempting to attract major sports (not just boxing) to California but it does not require the Athletic Commission to carry out the mandates of the bill. Instead, this bill would create the California Amateur and Professional Sports Commission whose main purpose would be to attract major sporting events. This Commission would consist of three appointed, uncompensated members. The Governor, Senate Rules Committee and Speaker of the Assembly would each appoint one member.

Mr. Lynch stated that both he and Ms. Scuri agree that this bill should be amended by language stating this sports commission’s rules and regulations would not overlap or interfere with the rules and regulations of the Athletic Commission. The staff recommendation would be to support the bill if amended.

Commissioner Mears stated that he had a concern as to the name of the new Commission sounding too similar to the California State Athletic Commission and thereby confusing the general public or average person. Ms. Scuri suggested that the Commission could suggest that the name be changed as an amendment.

**Action:** Motion by Chairman Sauter and seconded by Commissioner Mears to take the position of “support if amended” to state that the rules and regulations do not overlap or interfere with the rules and regulations of the CSAC and that the name of the commission be changed so that no confusion between that commission and the CSAC would be made for the average person” for AB1494.

**Vote:** Unanimous.

### 19.3 AB1074 MRI Examinations

#### AB1074

Assembly Member Chavez introduced this bill. While this bill has good intentions it would be a tactical, not to mention expensive nightmare. Any professional or amateur boxer who is rendered unconscious must have a MRI before resuming participation in the match. This bill does not take into account that boxers knocked unconscious lose the bout and are placed on suspension rather than being permitted to resume the action. Another flaw in the bill is that it does not state who would pay for the MRI (the boxer, the promoter or the Commission).

In speaking with the Assemblyman's legislative aide, Mr. Lynch stated that it is their intention that all MRI's must be done at the venue immediately following the knockout. This would be the tactical nightmare.

In summation, these are staff's objection to the bill as written:

1. Who is going to pay for the MRI's? The Athletic Commission certainly cannot afford it. As a side note, our budget has already been reduced by 30%. MRI exams average between \$500 and \$1000.
2. As the bill is written it is not feasible to have MRI equipment at a venue. Some of our venues are in some pretty primitive locations. Would this cost be borne by the promoter?
3. Only a M.D. Radiologist can administer and evaluate MRI results. Therefore ringside physicians could not administer the exams.
4. Once a boxer is knocked out or knocked unconscious they are not permitted to continue. In fact they are suspended from fighting for a minimum of 45 days. They are also prohibited from sparring for at least 30 days.
5. Would it be better if the language read something like this: "Any boxer rendered unconscious must satisfactorily complete an MRI examination within ----- days of the bout in which he was rendered unconscious?"
6. In 2002 there were 204 professional boxers knocked out in California. Staff does not have a count on amateur boxers who were knocked out because the Commission has delegated the regulation of amateur boxing to USA Boxing Inc., which is a branch of the U.S. Olympic Committee.

Mr. Lynch stated that he has volunteered to meet with Assembly Member Chavez and his aide. The staff recommendation would be to oppose unless amended.

Chairman Sauter then asked if there are any commissions that require MRI's at any point after a bout. Dr. Wallace stated that the Nevada Athletic Commission does. Chairman Sauter then asked who paid for the exam to which Dr. Wallace stated that he did not know, but it was not the commission to his understanding. Mr. Lynch asked if there was a time frame, i.e. within ----- days of a bout. Dr. Wallace stated that there was no exact time frame, only that it must be done prior to being cleared for the next bout. Dr. Wallace then stated that ringside physicians are able to require any additional examination that they deem necessary in addition to the suspension for a fighter who has been knocked out or injured. It was Dr. Wallace's position that it should be kept at the discretion of the ringside physician to require any additional examinations rather than having a blanket requirement.

Commissioner Mears agreed with staff that it is a well-intentioned bill, although the practicality may be unreasonable. He further stated that a blanket requirement may not be in the best interest of the fighter and the costs are another important issue. Vice-Chairman Michelman then asked if there was already a statute in place to authorize the doctor to require MRI if the ringside physician deems it to be necessary. Mr. Lynch

replied that there was however, if it is required, the Commission by statute is obligated to pay for half of the cost of the examination.

Chairman Sauter then asked how many times last year that a ringside physician required a fighter to have a MRI done. Dr. Wallace stated approximately 4 at the very most. Chairman Sauter then asked what the reason for the lack of requests was; if it was due to lack of necessity or cost factor. Dr. Wallace stated that the Commission has worked very hard as to the quality of ringside physicians and their skill to determine whether or not any additional exams were necessary. Commissioner Mears then asked if perhaps any brain injuries were missed due to lack of a brain scan. Dr. Wallace replied that California has not had any significant brain injuries in many years and no deaths in 23 years and he believes it is due to a collaboration of quality from the referees to the ringside physicians.

Chairman Sauter suggested that a Commissioner, a staff member along with Dr. Wallace meet with Assembly Member Chavez and explain that we have no alternative than to oppose this bill and why.

**Action:** Motion by Commissioner Mears and seconded by Vice-Chairman Michelman to take the position of “oppose” for AB1074.  
**Vote:** Unanimous.

## **20. ADMINISTRATION OF EVENTS**

This item was not heard.

## **21. COMMITTEE REPORTS – INFORMATION / ACTION**

### 21.1 Arbitration Committee Report

Mr. Plowman stated that he has no report at this time.

### 21.2 Pension Plan Review Committee Report

Vice-Chairman Michelman stated he would report at the next meeting.

### 21.3 Medical and Safety Standards Advisory Committee Report

Dr. Wallace stated that at the next meeting he would like to discuss the following topics:

- Minutes of the Medical Advisory Committee meeting
- Physicals at the venue and the fees being charged
- Physicians training
- Number of Physicians scheduled to work an event
- Physicians pay / travel expenses
- Requirement of having amateur kickboxers tested for negative blood results
- Physicians malpractice insurance
- Confidentiality of information of medical examinations and the disbursement of said results.

Dr. Wallace stressed that the physicians training meeting needed to be done as soon as possible. Chairman Sauter then asked what the cost to conduct a meeting was. Dr. Wallace stated at the last meeting, a room was donated by a venue and many of the doctors were in the area already due to a title fight being that evening. Dr. Wallace suggested that a venue could again donate a meeting place at no cost or very little cost to the Commission. Chairman Sauter then asked how many staff Dr. Wallace would like present. Dr. Wallace stated that he would like at least one staff member present.

Dr. Wallace stated that due to the influx of the new “toughman” contests that are few physicians that are available to work these events. He stated that some of the doctors that are being scheduled by staff to work these events are, in his opinion, unqualified to work alone. He explained that a physician who is a “junior physician” in his opinion has been working quite often and he has concern regarding this physician and has suggested and requested that this physician not be allowed to work alone. He noted that despite his request, this physician continues to work alone. Mr. Lynch replied that many of our physicians refuse to work certain events (i.e. “I don’t like toughman” “I don’t like kickboxing” etc.) and in order to be promoter friendly, he stated that he has assigned physicians to work alone that are capable of doing so. Dr. Wallace stated he is opposed to allowing a physician to work alone that he feels is unqualified. Mr. Lynch then asked Dr. Wallace if the physician he was referring to be Dr. Allende. Dr. Wallace said that it was. Mr. Lynch informed the Commission that he believes he is qualified and is doing a great job. Ms. Scuri then pointed out that as long as the requirements have been met for a physician to work alone according the rules and regulations, the Commission couldn’t discriminate against that physician.

Chairman Sauter then stated that these issues will be discussed at the next meeting and instructed Dr. Wallace to prepare a report to present to the Commission.

#### 21.4 Officials Committee Report

Commissioner Frierson stated that he did not have a report at this time.

#### 21.5 Amateur Boxing Committee Report

Commissioner Vergara stated that he did not have a report at this time.

### **22. AGENDA ITEMS FOR FUTURE MEETINGS**

- Financial Statements
- Report re: Indian Reservation pension plan contributions

### **23. COMMISSIONERS’ COMMENTS AND / OR RECOMMENDATIONS**

There were no comments or recommendations.

### **24. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

There were no public comment.

## **25. REFEREE EVALUATIONS – INFORMATION / ACTION**

Mr. Plowman informed the Commission that under Rule 376 it is required that the Commission representative at any bout evaluate each boxing referee performance for each boxing contest presided over by the referee. He further explained that the person doing the evaluation is to determine if the referee on that particular event did a satisfactory, unsatisfactory or needs improvement grade. Also, that person is to evaluate that referee's reflexes and overall ability to control the contest in a manner to ensure the protection of the participants and obtain compliance with the statutes rules and regulations of the Commission. This evaluator may include written comments whether it was a satisfactory rendering, but if it was an unsatisfactory or needs improvement the evaluator is required to make written comments as to why. He continued that the grade and comments are forwarded to the Executive Officer. Mr. Plowman further explained that if the referee contests the evaluation a meeting is held with the Executive Officer to discuss the evaluation. He stated that there are corresponding sections that apply if a referee is determined to be unsatisfactory to remove the referee's license.

Mr. Lynch informed the Commission that for the past two years that we have had two evaluators, one in Northern California and one in Southern California. Mr. Larry Rozadilla was the evaluator in Southern California and has now passed away, and the Northern California evaluator received numerous complaints and was subsequently removed from evaluating. This situation has left the evaluation process at a standstill with no evaluator.

Chairman Sauter then informed the Commission that when Mr. Rozadilla was evaluator there were still situations in which not everyone was being evaluated due to more than one event being scheduled in one night and no one to evaluate in Northern California. He continued that a lack of thoroughness in the evaluations had been lacking for some time. Chairman Sauter stated that it left the Commission with essentially three choices: 1) hire a couple of replacements as inspectors presupposing that funding would be available 2) train current inspectors to evaluate the referees although very little if any have ever been referees or fighters 3) a master class of experienced and universally respected and regarded referees who would step down from being a referee to become evaluators.

Mr. Pat Russell informed the Commission that he had submitted a written report of how the idea of the master class would work. He explained that Rule 376 would be satisfied with the current form being modified. He added that the standards of quality of officiating that California currently leads the nation in, is maintained in a non-confrontational manner with positive reinforcement. He continued that by this evaluation system a thorough evaluation of each and every referee could be done to establish at what level each referee was current at (i.e. world class, average or somewhere in the middle). He explained that there are many officials with many years of experience refereeing that may or may not be currently working in that capacity that are more than qualified to evaluate the current referees. He further explained that losing the experience of these seasoned officials would be a great loss for the Commission.

Mr. Russell noted that as a referee, it is more acceptable and appropriate to receive criticism or critique from someone who has had experience being a referee. He added that his suggestion of this system would give the evaluator an opportunity too not only critique but educate the referees and in so doing be able to "give back". He suggested that the compensation be done as an

assignment just as other officials are assigned by the Commission to work an event. He stated that these Master Officials would conduct a meeting before the event with the officials and after the event with the officials to discuss what had transpired during the event and report back to the Executive Officer.

Mr. Lynch then asked Mr. Russell if these Master Officials would then step down from refereeing permanently. Mr. Russell replied that they would not be licensed to referee for the duration that they are appointed a Master Official. He explained that if they wished to return to being a referee that they could end their time as Master Official and re-apply as a referee. Chairman Sauter stated that he had some concern as to if some of the best referees that the State currently has would no longer be refereeing. Chairman Sauter then asked how many people are necessary for this pool of Master Official to provide comprehensive coverage. Mr. Russell stated that there should be a minimum of five people. He stated that he arrived at this number due to the number of events that are scheduled and to eliminate any nepotism.

Commissioner Mears then asked who would appoint the Master Officials. Mr. Russell stated that perhaps it would be a new class. Commissioner Mears then stated that if the officials were polled to determine five names that could be master officials, that many names would be similar from person to person. Mr. Russell stated it was his belief that the officials would for the most part be in agreement with one another. Commissioner Mears stated that it was his belief that the officials would be best served to appoint this class rather than have the Commission appoint them. Mr. Russell stated that the officials have believed whether true or not, that the evaluations were directly tied to number of assignments and quality of assignments. He explained that by using this system it would end the official's assumption that the two are tied together. He further stated that there are several officials that are currently not refereeing but that are highly respected by the referees and would be welcomed to be a master official and that perhaps there may be a few officials that are currently refereeing that would look to this class as a way to gracefully retire from refereeing. It was Mr. Russell's belief that this would be a reward for the time served to the Commission and the sport of boxing.

Mr. Martin Denkin informed the Commission that the best referees are not the only ones to be considered for this class. He explained that a person does not necessarily have to be an excellent referee to be able to evaluate a referee. He stated that an example would be that most of the best trainers either have never been in the ring or they were not very good fighters yet they have the knowledge to teach and train a fighter to be world class.

Chairman Sauter then asked how many are in the pool of officials and of that how many are qualified to be master officials. Mr. Russell replied that of a pool of approximately 22 (15 referees and 7 judges) there may be 10 that are qualified. Chairman Sauter then asked would the ratio be 5 evaluating 7. Mr. Russell stated that it would all depend. Mr. Jack Reiss stated that the pool might be greater than what had previously been stated due to a few referees who have already stepped down and are judges only.

Mr. Russell stated that by using this master class it is raising the standard for California officials and is more professional.

Mr. Reiss stated that the current referees feel that it would be unfair and unacceptable to have anyone other than someone who had been a referee to evaluate them. Mr. Denkin stated that the reason this entire discussion had originally come to the Commission due to the officials believing that the evaluation process was arbitrary and tied to assignments. He further explained that everyone is accountable, and this appears to be the best and most fair way to evaluate the officials. He concluded that the officials needed to choose whom these evaluators would be to keep continuity. Chairman Sauter then asked Mr. Denkin if inspectors could be elevated with training to a level that would be acceptable to the officials as a whole. Mr. Denkin stated his answer would be maybe, but he added that before an inspector could tell him what he might have done wrong, his colleague would tell him. Mr. Reiss replied that his answer would be no.

Commissioner Frierson then noted that he had spoken with many of the officials on an individual basis and that this was their time to be heard if wished to be. He added that if the officials did not speak up now that they would not have any recourse later.

Dr. James Jen Kin, an official, stated that this process should be educational and not punitive as it had seemed it was in the past. Vice-Chairman Michelman stated that it was his understanding that this process would be educational, but wanted to know if this was going to still be somehow tied in with the assignments. Mr. Russell stated that the correlation should be that through these nonpartisan evaluations the Executive Officer would be in a better position to assign individuals to bouts that are in keeping with that referees level of expertise (i.e. Level A, B and C). Vice-Chairman Michelman stated that it was his understanding from that statement that there would be a ranking system that would be changing on a daily basis so that Mr. Lynch could adequately make assignments. Mr. Russell stated again that this would be more of an educational tool rather than a punitive process. Vice-Chairman Michelman then asked if this process would “cure” the problems that the officials had stated in the past as far as being punitive and unfair. Mr. Russell stated that by using this system and by the simple fact that all referees would be evaluated equally, that it would eliminate any belief that the Executive Officer would be making assignments arbitrarily. He explained that the referee would have many evaluations to refer to if they felt that they were not being assigned adequately. Chairman Sauter then stated that the master officials must be able to differentiate in order for this process to be fair.

Mr. Reiss stated that in the past it was perceived by the referees that the evaluator was working for the Chief Inspector and that this relationship then gave the Chief Inspector an opinion of the referee and then the assignments went according to the opinion the Chief Inspector had. He stated by using this master class and being evaluated by 5 different master officials whom the referee trusts and respects, that the perception that was previously so often complained about, would be eliminated and the referee would be educated on how to raise their skills to a higher level.

Vice-Chairman Michelman questioned as to if this process would then end up in a ranking system and how would that ranking system correlate with the assignments. Mr. Reiss explained that if a referee had received good evaluations over a time period but was not receiving the assignments that he feels he should be getting, the referee would then be able to use those evaluations to question the Executive Officer on the assignments he or she was receiving. He added that it would also give the Executive Officer written documentation to justify not assigning a referee to particular bouts.

Chairman Sauter then asked if a ranking system was legal. Mr. Reiss stated the boxers are ranked to which Ms. Scuri explained that the State does not rank the boxers. Chairman Sauter then asked if the Commission has the authority to set aside a category of people who are more proficient than others in their profession and deserve to do the championship or title bouts. Ms. Scuri stated that under the current authority, the Commission could not establish ranking for referees under current law. She explained that the Commission has one license for referee and that license has no provision for a ranking. She further explained that the law, not the regulation would need to be changed.

Chairman Sauter then stated that it seems to be the current belief that Mr. Lohuis' assignment of officials is extremely subjective and that Mr. Rozadilla skewed his subjectivity in the past. He continued that the primary reason this is being discussed, that the subjectivity of the assignments are going to be perpetuated unless addressed.

Commissioner Mears stated that if the status quo is as the Chairman stated it to be then the system needed to be revamped. He suggested that a few officials get together and submit a written recommendation of an exact system with a schematic. He then raised the question of compensation for the master officials. Mr. Russell explained that the master official would be another official assigned to the event – in other words, the promoter would bear the cost.

Mr. Russell then asked what the issue was that the State was opposed to ranking or classifying the officials. Mr. Lynch informed him that it would open an opportunity for lawsuit against the State. Ms. Scuri added that the Commission currently has no statutory authority to do a ranking or classification. She further explained that a distinction between groups could be seen as an endorsement of specific individuals especially in a population as small as this. She added that in no license situation that is under Consumer Affairs, where there are well over 38 types of licenses, is there is distinction among individuals on a level of skill. Ms. Scuri suggested that a regulation could be drafted that would set out the criteria that the Athletic Commission uses to select referees and judges for the three types of fights that were mentioned being championship, regular and club. Vice-Chairman Michelman stated that he agreed with some type of regulation of that sort being drafted. He added that if it could be linked with the evaluations, it would be ideal.

Vice-Chairman Michelman then suggested that the officials come up with the criteria that the Commission would use to assign a referee to a bout and submit them to the Commission for further discussion.

Mr. Denkin then asked if Mr. Lohuis assigned the officials on his own or did Mr. Lynch. Mr. Lynch replied that they discussed the assignments and collaborated on who would work when and where. Mr. Denkin then asked how the decision were arrived at to which Mr. Lynch replied that he and Mr. Louhis knew who the top officials are and go from there. Chairman Sauter then asked how the decision of who are the top officials is done. Mr. Lynch explained that he or Mr. Lohuis sees every fight that is done.

Chairman Sauter then stated that a discussion needs to be made as to who is going to be doing the ranking, using what standards that would create what categories. He suggested that the next step would be to have Mr. Russell and a colleague or two meet with a Commissioner and counsel and answer all of these questions. Mr. Plowman suggested that perhaps a starting point would be to re-evaluate the evaluation form and revamp it or leave it alone if they wish.

Chairman Sauter then stated he would be responsible for gathering Mr. Russell, another official, Mr. Plowman, Mr. Lynch and himself to discuss the matter further.

\*\*\*

The meeting was then adjourned at 4:00 p.m.

The draft minutes were prepared by:

\_\_\_\_\_  
JESSICA FINCH

\_\_\_\_\_  
DATE

The final minutes were prepared by:

\_\_\_\_\_  
JESSICA FINCH

\_\_\_\_\_  
DATE